

H.R. 272, H.R. 437 and H.R. 1113

LEGISLATIVE HEARING

BEFORE THE
SUBCOMMITTEE ON NATIONAL PARKS, RECREATION,
AND PUBLIC LANDS

OF THE
COMMITTEE ON RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTH CONGRESS

FIRST SESSION

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**LEGISLATIVE HEARING ON H.R. 272, TO
DIRECT THE SECRETARY OF AGRICULTURE
TO CONVEY CERTAIN LAND TO LANDER
COUNTY, NEVADA, AND THE SECRETARY OF
THE INTERIOR TO CONVEY CERTAIN LAND
TO EUREKA COUNTY, NEVADA, FOR CON-
TINUED USE AS CEMETERIES; H.R. 437, TO
DIRECT THE SECRETARY OF THE INTERIOR
TO CONDUCT A STUDY OF COLTSVILLE IN
THE STATE OF CONNECTICUT FOR POTEN-
TIAL INCLUSION IN THE NATIONAL PARK
SYSTEM; AND H.R. 1113, TO AUTHORIZE AN
EXCHANGE OF LAND AT FORT FREDERICA
NATIONAL MONUMENT, AND FOR OTHER
PURPOSES.**

**Tuesday, April 8, 2003
U.S. House of Representatives
Subcommittee on National Parks, Recreation, and Public Lands
Committee on Resources
Washington, DC**

The Subcommittee met, pursuant to call, at 2:09 p.m., in room 1334, Longworth House Office Building, Hon. George P. Radanovich [Chairman of the Subcommittee] presiding.

Present: Representatives Radanovich, Gibbons, Christensen, and Bordallo

**STATEMENT OF THE HON. GEORGE P. RADANOVICH, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF
CALIFORNIA**

Mr. RADANOVICH. Good afternoon. I apologize for the late start of this. We had something else going on in another Committee room that I was finally able to break away from. I appreciate your patience.

And with that, the Subcommittee on National Parks, Recreation, and Public Lands will receive testimony on three bills: H.R. 272, H.R. 437, and H.R. 1113.

Our first bill is H.R. 272, introduced by our Subcommittee colleague Mr. Gibbons, to direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries.

Our second bill, which is H.R. 437, is introduced by Congressman Larson of Connecticut, to direct the Secretary of the Interior to conduct a study of Coltsville in the State of Connecticut for potential inclusion into the National Park System.

And our last bill, H.R. 1113, introduced by Congressman Kingston of Georgia, authorizes an exchange of land at the Fort Frederica National Monument.

Before turning time over to Mrs. Christensen, I would ask unanimous consent that Mr. Larson and Mr. Kingston would be permitted to sit on the dais following the statements. There being no objection, so ordered.

And I now turn my time over to the Ranking Member, Mrs. Donna Christensen, for any opening statement you may have. Donna?

[The prepared statement of Mr. Radanovich follows:]

Statement of The Honorable George Radanovich, Chairman, Subcommittee on National Parks, Recreation, and Public Lands, on H.R. 272, H.R. 437, and H.R. 1113

Good afternoon. The hearing will come to order.

This afternoon, the Subcommittee on National Parks, Recreation, and Public Lands will receive testimony on three bills—H.R. 272, H.R. 437 and H.R. 1113.

Our first bill, H.R. 272, introduced by our Subcommittee colleague Mr. Gibbons, would direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries.

Our second bill, H.R. 437, introduced by Congressman Larson of Connecticut, directs the Secretary of the Interior to conduct a study of Coltsville in the State of Connecticut for potential inclusion in the National Park System.

Our last bill, H.R. 1113, introduced by Congressman Kingston of Georgia, authorizes an exchange of land at Fort Frederica National Monument.

Before turning the time over to Mrs. Christensen, I would ask unanimous consent that Mr. Larson and Mr. Kingston be permitted to sit on the dais following their statements. Without objection, so ordered.

I now turn to the Ranking Member, Mrs. Christensen for any opening statement she may have.

STATEMENT OF THE HON. DONNA M. CHRISTENSEN, A DELEGATE IN CONGRESS FROM THE VIRGIN ISLANDS

Mrs. CHRISTENSEN. Thank you, Mr. Chairman.

I, too, would like to welcome our colleagues and the other witnesses to our hearing today. And we are receiving testimony on three unrelated measures.

Our first bill, H.R. 272, requires the Secretary of Agriculture to convey to Lander County, Nevada, approximately 10 acres of Forest Service land free of charge. Further, the Secretary would be required to grant the county an easement over adjacent national forest lands for the purpose of allowing access to the parcel to be conveyed.

Currently, the land in question is used as a cemetery under a special use permit, and the legislation contains a reverter clause

that would be triggered should the parcel ever be converted to another use.

Section 2 of the legislation directs the Secretary of the Interior to make a similar conveyance of BLM land to Eureka County, Nevada. This 10-acre parcel is also being used as a cemetery, and the conveyance would require a similar easement and contains a similar reverter clause.

While this measure is generally noncontroversial, it is our understanding that the BLM and Forest Service raised several technical issues during the Senate consideration of this legislation during the previous Congress. And so, we look forward to hearing from our witnesses today regarding whether these issues have been resolved.

Our second bill, H.R. 437, introduced by our colleague Representative John Larson, would authorize the study of the Coltsville historic site in Connecticut. The site, which is associated with the historically significant Colt Manufacturing Company, contains a number of historic resources. The legislation has the support of the entire Connecticut delegation, and a similar legislation has passed the Senate twice.

Resources Committee Ranking Member Rahall is a strong supporter of H.R. 437, and on his behalf, I would ask that his statement of support for the bill be included in the record.

[The prepared statement of Mr. Rahall follows:]

**Statement of The Honorable Nick Rahall, Ranking Democrat,
Committee on Resources, on H.R. 437**

Mr. Chairman, I wish to express my strong support for H.R. 437, the Coltsville Study Act. My good friend and colleague John Larson has done yeomen's work on this legislative initiative. Rep. Larson has assembled the bipartisan cosponsorship of the Connecticut Congressional delegation and has the support of both the local community and the National Park Service for this study.

The Coltsville site is closely associated with the Colt Manufacturing Company, made famous by the Colt six-shooter. But the history of the area is more than just one gun. During the Industrial Revolution the company was at the forefront of innovation and technology. The self-contained Coltsville community boasted many amenities. We are fortunate that a significant number of historic resources survive, including the landmark blue onion dome.

I want to commend my colleague Rep. Larson for working to preserve this piece of American history. I look forward to working with him to see this historic resource study brought to fruition.

Mrs. CHRISTENSEN. The last bill, H.R. 1113, which authorizes a land exchange at Fort Frederica National Monument, raises a number of issues. Evidently, appraisals and archeological surveys of the sites to be exchanged have not been completed. Further, the noncontiguous parcel that the Park Service would acquire through the exchange will likely increase the administrative and operational costs of the national monument.

Finally, we understand that there may be additional modifications to the lands proposed to be exchanged, and these modifications may create further issues. The National Park Service testimony on how H.R. 1113 echoes these concerns but provides little guidance on how they should be addressed. As a general rule, any land exchange we authorize should enhance the national monument.

We have to be careful about altering the boundaries of the National Park System units. Former Resources Committee Chairman

Hansen spoke many times about the National Park Service acquiring an historic site, Charles Pickney National Historic Site, that didn't contain the historic resources that were claimed. We shouldn't make the same mistake here.

Mr. Chairman, I appreciate the presence of our witnesses here today and look forward to their insights on the legislation before us. And I am sure it was just an oversight, but I am sure our colleague John Larson will be welcome to sit up on the dais.

Mr. RADANOVICH. Oh, absolutely. I think we included that in our—

Mrs. CHRISTENSEN. OK.

Mr. RADANOVICH. If not, yes.

Mrs. CHRISTENSEN. All right. Thanks.

Mr. RADANOVICH. You are welcome to join us as well. With that, we are going to begin hearing testimony from our distinctive panel, including Mr. Jim Gibbons from the State of Nevada. Jim, if you would like to begin. Welcome to your Subcommittee.

**STATEMENT OF THE HON. JIM GIBBONS, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF NEVADA**

Mr. GIBBONS. Thank you, Mr. Chairman. I ask unanimous consent that the full statement I have be submitted for the record.

Mr. Chairman, I want to thank you for the opportunity also to discuss an issue that is of utmost importance to the constituents that I represent in rural Nevada.

As many of you know, Nevada has the highest percentage of public lands in all the States of the Union, with close to 90 percent of our State being managed by the Federal Government. This poses many problems for my constituents, including one which we will discuss here today—the burial of our loved ones and the preservation of grave sites for our ancestors.

I introduced H.R. 272 to authorize a conveyance of two cemeteries, both in existence since the late 1800's, back to the local control of Lander and Eureka Counties.

Mr. Chairman, on March 2, 1970, nearly 33 years ago, the Kingston Cemetery in Lander County was officially created with a 10-acre special use permit from the Forest Service. The intent of this permit was to protect the existing graves dating back to 1891, decades before the Forest Service ever existed. Again, in 1979, the Forest Service issued another 10-acre permit as the management of the cemetery was transferred to the Town of Kingston, Nevada.

In February 1990, after 20 years of permitting burials, the Forest Service informed the Town of Kingston that the cemetery was in trespass of public lands. Furthermore, the town was told that the present Forest Service policy was to not authorize new cemetery permits as this was deemed a permanent use of the land.

To resolve this problem, the Town of Kingston offered 2.58 acres of land to the Forest Service in exchange for the 10 acres of cemetery land. The town thought this was a very reasonable offer, especially considering that the Forest Service had already accidentally built a campground on their parcel of ground. But the Forest Service refused this proposal.

In 1998, under the Freedom of Information Act, Kingston began to request documents and to research history in an effort to start

negotiations for a deed to the Kingston Cemetery project. After 7 months of correspondence, the Forest Service said that this action could take anywhere from 2 to 7 years. As a last resort, the Kingston town board asked for my assistance.

It is my intention to ensure that these honest, diligent people have some certainty and closure on this issue, which they have been burdened with for nearly three decades. Unfortunately, the Forest Service will testify today that they can meet the objectives of this bill under its current statutory authority by conveying lands to the county for comparable lands or at fair market value in cash.

Now I am very troubled, if not outraged, that this agency is forcing the people of Lander County and those that are buried there to buy or exchange land for the graves of their parents. The county does not have the financial ability to purchase these lands and are understandably reluctant to exchange them with what extremely limited private land they may have and limited resources they do have.

I call on the Forest Service to live up to its motto of caring for the land and serving people. The Forest Service should serve the people of Lander County by giving them their ancestral graveyard instead of trying to extort the highest price possible for the land.

Mr. Chairman, while I am dismayed and disappointed by the greediness of the Forest Service, I applaud the BLM, which understands the sensitivity of transferring control of ancestral graveyards to local communities. The BLM understands that these sites are sacred and should be in the possession of local governments.

Consequently, they are not seeking "fair market value" in the second transfer authorized in H.R. 272—the transfer of the Maiden's Grave Cemetery in Eureka County. What a breath of fresh air that is.

Mr. Chairman, it is my hope that each member of this Committee will see the importance of this legislation, the simple fairness of transferring these historic graveyards back to the communities that have buried their loved ones there since the 1800's.

After all, the role of the Federal Government is not to play real estate agent. The role of the Federal Government is to serve the people. H.R. 272 serves the people of Eureka and Lander Counties, Nevada, fairly, and this legislation should be fairly and expeditiously passed by this Committee and by Congress and serve the people of Nevada.

With that, Mr. Chairman, I yield back the 31 seconds I have remaining.

[The prepared statement of Mr. Gibbons follows:]

**Statement of The Honorable Jim Gibbons, a Representative in Congress
from the State of Nevada, on H.R. 272**

Mr. Chairman, thank you for this opportunity to discuss an issue that is of utmost importance to my constituents in rural Nevada.

As you may know, Nevada has the highest percentage of public lands of all the States in the Union—close to 90 percent of our state is managed by the Federal Government.

This poses many problems for my constituents, including one which we discuss here today—the burial of our loved ones and the preservation of the grave sites of our ancestors.

I introduced H.R. 272 to authorize the conveyance of two cemeteries—both in existence since the late 1800s—back to the respective local control of Lander and Eureka counties.

Mr. Chairman, on March 2, 1970, the Kingston Cemetery in Lander County was officially created with a 10-acre Special Use Permit from the Forest Service.

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Furthermore, the town was told that the present Forest Service policy was to not authorize new cemetery permits as this was deemed a Permanent Use of the Land!

To resolve this problem, the Town of Kingston offered 2.58 acres of land to the Forest Service in exchange for the 10 acres of cemetery land.

The town thought this was a very reasonable offer, especially considering that the Forest Service had already accidentally built a campground on this parcel.

But, the Forest Service refused this proposal.

In 1998, under the Freedom of Information Act, Kingston began to request documents and to research history in an effort to start negotiations for a deed to the Kingston Cemetery property.

After 7 months of correspondence, the Forest Service said that this action could take anywhere from 2 to 7 years.

As a last resort, the Kingston Town Board asked for my assistance.

It is my intention to ensure that these honest, diligent people have some certainty and closure on this issue which they have been burdened with for decades.

Unfortunately, the Forest Service will testify today that they can meet the objectives of this bill under its current statutory authorities by conveying lands to the county for comparable land or for fair market value in cash.

I am disgusted and outraged that this agency is forcing the people of Lander County to buy or exchange land for the graves of their parents.

The County does not have the financial ability to purchase these lands and are understandably reluctant to exchange what EXTREMELY limited private land they do have.

I call on the U.S. Forest Service to live up to its motto: “Caring for the Land and Serving People.”

The Forest Service should serve the people of Lander County by giving them their ancestral grave yard, instead of trying to extort the highest price possible for the land.

Mr. Chairman, while I am dismayed and disappointed by the greediness of the Forest Service, I applaud the BLM which understands the sensitivity of transferring control of ancestral grave yards to the local communities.

The BLM understands that these sites are sacred and should be in the possession of local governments.

Consequently, they are not seeking “fair market value” in the second transfer authorized in H.R. 272—the transfer of the Maiden’s Grave Cemetery in Eureka County.

What a breath of fresh air.

Mr. Chairman, it is my hope that each member of this Committee will see the importance of this legislation and the simple fairness of transferring these historic grave yards back to the communities that have buried their loved ones there since the 1800s.

After all, the role of the Federal Government is not to play real estate agent. The role of the Federal Government is to serve the people.

H.R. 272 serves the people of Eureka and Lander Counties, Nevada fairly and should be expeditiously passed by this Committee and Congress.

Mr. RADANOVICH. Thank you very much, Mr. Gibbons. Wonderful testimony.

Next we will move on to the Honorable John Larson to speak on bill number H.R. 437. Mr. Larson, welcome to the Committee, and please begin your testimony.

**STATEMENT OF THE HON. JOHN LARSON, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF CONNECTICUT**

Mr. LARSON. Thank you, Mr. Chairman and Ranking Member Christensen.

I have a written statement that I ask unanimous consent of the Committee to be inserted for the record, as well as several other extraneous news articles and information about Coltsville, with the Committee's permission. Is that OK?

Mr. RADANOVICH. That would be just fine.

Mr. LARSON. Thank you, sir.

I want to thank from the outset Chairman Pombo and Ranking Member Rahall for helping expedite the process, and certainly the Chair and the Ranking Member here today.

I also want to congratulate members of our delegation. As was pointed out by Mrs. Christensen, it has the unanimous support of the Connecticut delegation as well as our Governor, John Rowland; the mayor of the City of Hartford, Eddie Perez; various members of the Connecticut General Assembly; and most notably, the community, especially Mr. William Gordon and Carol Coburn, who is the executive director for the Coalition To Strengthen the Sheldon/Charter Oak Neighborhood, commonly referred to as CSSCON.

Later, you will hear from the Park Service in testimony and also from Mr. Kohn, who heads up the Colt Gateway, Inc., that is responsible for commercially developing that property as well.

I want to underscore the importance of this and specifically point out that the Coltsville Study Act would direct the National Park Service to study the site commonly known as Coltsville and its surrounding area within the City of Hartford.

In doing so, now this would provide an opportunity for Connecticut to evaluate the national significance, suitability, and feasibility for designation as a unit of the National Park System. It also asks the National Park Service to evaluate the importance of the area to the history of precision manufacturing.

We are very proud in the State of Connecticut, and I am very proud to hail from the Hartford area. We have long been known as the Constitution State because we established the oldest continuous constitutional democracy in the world on the banks of the Connecticut River back in 1638.

We have also been known as the arsenal for democracy, since our revolution, as being a provider State and having been the inventors of gunpowder. We also, from that same region, hail the oldest continuous museum, public museum in the Country, as well as the oldest continuous newspaper in the Country, the Hartford Current.

Samuel Colt is known to many Americans, and especially the Colt .45, which was generally referred to as "the gun that won the West." But what is not known to most people across the Country is that it was Elizabeth Colt, his wife, who—when Samuel Colt died at a rather young age—was the person who took over and manned the company and actually brought it to its heyday.

It is quite a history of Mrs. Colt, who was way ahead of her time, and before she had the right to vote was probably one of the—if they had a Fortune 500, she would be part of the Fortune Top 10 of the Country at that time. An extraordinary woman, who, at the time of the industrial revolution, drove one of the Nation's leading

manufacturers to the kind of success that Colt firearms enjoys even to this day.

But to look at this area just simply as a manufacturer of firearms would be doing a disservice to Samuel and Elizabeth Colt. To understand their significance is to understand what was happening throughout the Connecticut River Valley in terms of the industrial revolution and precision manufacturing as well.

The Colts were the first American company to establish a factory overseas, and they were also first to focus on the needs of the workplace and their workforce. And whether they be safety or fire concerns that plagued the Country during the time of the industrial revolution, whether it be providing housing and church services and public parks areas for people, the Colts clearly were ahead of their time.

You are going to hear further testimony from both the Park Service and from Mr. Kohn in that specific area. But the most heartening thing for me, representing the area, is to see how the community has come together to embrace this.

Not only has it been spearheaded by the neighborhood and the developer himself and the various historical societies and also the State's paper of record, the Hartford Current, virtually the whole State and its delegation have come together around this very historic and significant study that we think is so necessary for our future.

I want to thank the Committee. I see that my time has expired. I want to thank you for the opportunity to present this legislation, which, as Representative Christensen pointed out, passed the Senate twice unanimously.

[The prepared statement of Mr. Larson follows:]

Statement of The Honorable John B. Larson, a Representative in Congress from the State of Connecticut, on H.R. 437

As the sponsor of the House version of the Coltsville Study Act, H.R. 437, I would like to thank the Committee for allowing me to speak this afternoon on an issue of importance to my constituents and to the historic preservation of an important American landmark of achievement. I would also like to thank the rest of my delegation colleagues here in the House, Representatives DeLauro, Johnson, Shays, and Simmons, for their support of this proposal, as well as Senator Dodd and Senator Lieberman, for their support and leadership on this issue in the Senate.

Specifically, the Coltsville Study Act would direct the National Park Service to study the site commonly known as "Coltsville," and its surrounding area within the City of Hartford, Connecticut to evaluate its national significance, suitability, and feasibility for designation as a unit of the National Park System. It also asks the National Park Service to evaluate the importance of the area to the history of precision manufacturing.

Last June the National Park Service testified before the Senate Energy and National Resources Subcommittee on National Parks in support of the Senate version of the legislation authorizing this study. Later today you will be hearing from a representative from the National Park Service about the version of the Coltsville Study Act before you today.

The Coltsville region of Hartford Connecticut is comprised of approximately 260 acres of land. The region is anchored by the 17-Acre Coltsville Heritage Park, which houses 10 historic buildings. Bordered by Interstate-91, The Connecticut River, the central business district of Hartford, the Museum of Connecticut State History, as well as the State Capitol, Coltsville represents a region rich in culture and history.

The history of Coltsville is a unique regional & international landmark characterized by its many industrial achievements during the industrial revolution. Beginning with Samuel and Elizabeth Colt, founders of Colt Manufacturing Company, known for the production of firearms, the Colt's inspired the entire community to flourish during the industrial revolution. Coltsville is noted for its Victorian

mansions, an open green area, botanical gardens, and even a deer park. The residence of Samuel and Elizabeth Colt in Hartford, CT, known as "Armsmear", is a national historic landmark, and the distinctive Colt manufacturing factory's blue dome is a prominent feature in the Hartford, Connecticut skyline.

When you look deeper at the county one begins to see the unique and holistic community that developed in the area and attracted early industrial leaders such as Col. Albert Pope of Pope Manufacturing who produced the nation's most prominent bicycles and automobiles, which ultimately bloomed into what we now know as Pratt and Whitney located in East Hartford. Henry Ford, was drawn to the community because of his interest in learning about the innovative manufacturing techniques and equipment being invented and developed in Coltsville.

It is important to emphasize that the Colt legacy is not just about firearms, but also about industrial innovation and the development of technology that would change the way of life in the United States. Mr. Colt worked with Samuel Morse in the development of the telegraph, and Colt manufacturing contributed to the development of technology in many ways, inspiring the jet engine pioneers Francis Pratt and Amos Whitney, who served as apprentices at Colt manufacturing. The influence of the community was extended overseas when Samuel Colt became the first individual in the United States to open a manufacturing plant overseas.

It is also the story of Elizabeth Colt and of women entrepreneurs of the early industrial age, as she successfully and profitably guided Colt Industries for more than 40 years after Samuel Colt's death in 1862.

Coltsville set the standard for excellence during the Industrial Revolution and continues to prove significant as a place in which people of the United States can learn about that important period in history and its association with the Mark Twain House, Trinity College, Old North Cemetery, and many historic homesteads and architecturally renowned buildings.

This legislation and its overwhelming local support and excitement signifies that we are starting on the road to developing and cultivating Coltsville's history and its importance to Hartford and the State of Connecticut. The Senate version of this legislation, S. 233, was approved by unanimous consent on March 4, 2003. Along with other members of the delegation and the community, I am committed to preserving the area's immeasurable historical value. Coltsville is a unique regional and international landmark. I look forward to seeing the immense potential that the property holds fully utilized.

Mr. RADANOVICH. Very good. Thank you, Mr. Larson. Appreciate your testimony.

Mr. LARSON. Thank you, sir.

Mr. RADANOVICH. And we will hear from our next witness, and then if you would please join us on the dais for the rest of the hearing?

Mr. LARSON. Thank you, Mr. Chairman.

Mr. RADANOVICH. That would be terrific. All right.

Next up is the Honorable Jack Kingston from Georgia, speaking on H.R. 1113, which would authorize the exchange of land at Fort Frederica National Monument for other purposes.

Jack, welcome to the Committee. Please begin your testimony.

STATEMENT OF THE HON. JACK KINGSTON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF GEORGIA

Mr. KINGSTON. Thank you, Mr. Chairman.

It is great to be with you all. And a question, Mr. Chairman, I have also former U.S. Senator Mack Mattingly here to testify. Should I yield him my time, or is that—

Mr. RADANOVICH. Welcome, Senator. And, no, you go ahead. And what we will do is invite you onto the dais, move to the next panel. Senator Mattingly is on one of the next panels.

Mr. KINGSTON. OK. Well, let me be brief in my general description of this.

If you think about it, we just have three points of a triangle. A historic church—historic land, a historic church where John Wesley actually at one time preached and who, of course, was the founder of Methodism. And then we have an historic piece of land where General James Oglethorpe, one of the founders of Georgia, actually lived at one point. And then we have some raw land that is owned by Sea Island Company.

And basically, it is just a swap of the three, but it is not directly like that. It is more the church swaps with Sea Island and then obtains land that the National Park Service wants, and the National Park Service wants to do the trade with the church from that point on.

And to my knowledge, and we have vetted this now for about 2 years. There were some kinks in this 2 years ago, but everybody wants this. There is no apparent opposition. The Park Service has looked at it fairly closely, and we think it is a good piece of legislation to move forward on.

[The prepared statement of Mr. Kingston follows:]

Statement of The Honorable Jack Kingston, a Representative in Congress from the State of Georgia, on H.R. 1113

Since 1995, Christ Church, Frederica has been working with the NPS to broker a land exchange that would benefit all parties involved. Christ Church, Frederica, in an effort to expand their current facilities, would like to acquire 6 acres of NPS land, adjacent to the church, in exchange for 8.69 acres of land currently owned by the Sea Island Company. The Sea Island Company has brokered a deal with the Church to exchange this land for other land currently owned by the Church.

On May 1, 2000, the NPS declined to participate in a land exchange with Christ Church for a variety of legal and policy reasons that were in enumerated in a memorandum signed by then acting Regional Director Dan Brown. Under that proposal, Fort Frederica would have received 7 acres of land on its northern boundary from the Christ Church rectory property in exchange for 6 acres of National Monument land adjacent to the historic church property. Neither of the parcels involved in this proposed agreement contained any historic resources; as such, Director Brown found that there was no demonstrable benefit to the United States in acquiring the land.

The agreement proposed in H.R. 1113 is different from the proposal of 2000. It involves an exchange of an 8.69 acre parcel of property containing the archeological ruins believed to be the former homestead of General James G. Oglethorpe, the founder of the State of Georgia. The NPS has conveyed to me that they are interested in obtaining the land with the Oglethorpe Ruins and they likewise assisted in the drafting of this legislation. There is an error in the current legislation that identifies the land to be given to Christ Church as approximately 4.8 acres rather than the actual amount, which is 6 acres. I plan to amend the bill to reflect this change in acreage. A land amount of approximately 4.8 acres had been proposed during prior negotiations. However, that parcel contained a building that belonged to the NPS, which they wish to retain. As such, the NPS and Christ Church have agreed that the 6 acre tract, which adjoins Christ Church, Fort Frederica, and is appropriate because it does not contain the building or any historic resources.

When Director Brown rejected this opportunity in 2000, he cited the NPS policy that prohibits land exchanges where there is no demonstrable benefit to the United States. I wholly believe that this proposed exchange would benefit the United States, as we have an interest in protecting and conserving the significant cultural resources such as the Oglethorpe Ruins. This property contains historical and archaeological resources that are non-renewable and should be protected and preserved by the NPS so that future generations will have the opportunity to visit this site of historical significance.

Mr. RADANOVICH. Thank you, Mr. Kingston.

Are there any questions of the panel members? And if there are not, by any other members, then I want to thank you for your

testimony and ask you to join us on the dais, and we will get right to the substance of the matters.

Panel two—if I could call up panel two, please—consists of Mr. Bob Anderson, who is the acting assistant director for minerals, realty, and resource protection, from BLM in Washington, D.C.; also Ms. Gloria Manning is the Associate Deputy Chief of the National Forest System, Washington, D.C.; also Mr. Jeff Taylor, Assistant Director of legislative and congressional affairs for the National Park Service.

Good afternoon, and welcome to the Subcommittee. If you would begin, Ms. Manning, welcome back to the Subcommittee. I know you visited us before, and we appreciate what you bring. And if you would like to go ahead and begin your testimony?

If you would, please keep to the 5-minute clock. Otherwise, you will hear from me. But please take the time to let us know your feelings on the appropriate bills.

Ms. MANNING. Thank you.

Mr. RADANOVICH. Thank you.

**STATEMENT OF GLORIA MANNING, ASSOCIATE DEPUTY
CHIEF, NATIONAL FOREST SYSTEM**

Ms. MANNING. Mr. Chairman and members of the Subcommittee, thank you for the opportunity to appear before you today.

I am Gloria Manning, Associate Deputy Chief for National Forest System. I am here to provide you the Department's view on H.R. 272, a bill to direct the Secretary of Agriculture to convey certain lands to Lander County, Nevada.

In summary, Section 1 of H.R. 272 requires the Secretary, through the Chief of the Forest Service, to convey to Lander County, Nevada, for no consideration, all right, title, and interest of the United States in and to the 10 acres of National Forest System land known as Kingston Cemetery.

In accordance with Public Law 85-569, the Townsite Act, we have already conveyed 1.25 acres of land (on which the cemetery is located) to the Town of Kingston for \$500 on August 1, 2000. At the time of the conveyance, the Town of Kingston indicated the 1.25 acres encompassed all known marked and unmarked grave sites.

The Town of Kingston also indicated that the 1.25 acres was adequate to accommodate their future expansion needs. Specifically, all of the grave sites were accounted for within a half-acre fenced area that the 1.25 acres encompassed. The additional .75 acres were intended for parking and anticipated expansion of the current cemetery.

If new unmarked grave sites have been discovered or the needs of the Kingston Cemetery have changed and are in the public interest, we would be supportive of making additional Federal lands available to the county or city for fair market value and granting the county an easement to maintain the access road to the cemetery as a county road.

If Lander County is not willing to pay fair market value to purchase this land, we would be willing to consider authorizing its current and future use of this land under a special use permit authorization.

The Department does not object to making additional Federal lands available to Lander County, but the Department believes that the Forest Service can meet the objectives of Section 1 of this legislation under its current statutory authorities that would allow it to convey National Forest System lands to Lander County for land or fair market value in cash.

For example, under the Townsite Act, the Secretary of Agriculture may convey, for fair market value, up to 640 acres of land to established communities located adjacent to national forests in Alaska or the contiguous western States. Within certain limits, the Sisk Act authorizes the Secretary of Agriculture to exchange lands with States, counties, or municipal governments or public school districts for lands or money.

These laws require the Secretary of Agriculture to obtain fair market value for exchange or sales of national forest lands. Indeed, the Federal policy in recent decades has moved toward obtaining a fair return to the public for the value of lands conveyed out of Federal ownership.

This concludes my statement, and I would be happy to answer any questions you might have.

[The prepared statement of Ms. Manning follows:]

Statement of Gloria Manning, Associate Deputy Chief, National Forest System, Forest Service, U.S. Department of Agriculture, on H.R. 272

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to appear before you today. I am Gloria Manning, Associate Deputy Chief for National Forest System, USDA Forest Service. I am here today to provide the Department's views on H.R. 272, a bill to direct the Secretary of Agriculture to convey certain lands to Lander County, Nevada.

H.R. 272 Convey certain land to Lander County, Nevada for continued use as a cemetery

In summary, Section 1 of H.R. 272 requires the Secretary through the Chief of the Forest Service to convey to Lander County, Nevada, for no consideration, all right, title, and interest of the United States in and to the 10 acres of National Forest System land known as Kingston Cemetery.

In accordance with Public Law 85-569, the Townsite Act, we have already conveyed 1.25 acres of land (on which the cemetery is located) to the Town of Kingston for \$500 on August 1, 2000. At the time of the conveyance, the Town of Kingston indicated the 1.25 acres encompassed all known marked and unmarked gravesites. The Town of Kingston also indicated that the 1.25 acres was adequate to accommodate their future expansion needs. Specifically, all of the gravesites were accounted for within a half acre fenced area that the 1.25 acres encompassed. The additional .75 acres were intended for parking and anticipated expansion of the current cemetery.

If new unmarked gravesites have been discovered or the needs of the Kingston Cemetery have changed and are in the public interest, we would be supportive of making additional Federal lands available to the county or city for fair market value and granting the county an easement to maintain the access road to the cemetery as a county road.

If Lander County is not willing to pay fair market value to purchase this land, we would be willing to consider authorizing its current and future use of this land under a special-use permit authorization.

The Department does not object to making additional Federal lands available to Lander County, Nevada in H.R. 272, but the Department believes that the Forest Service can meet the objectives of Section 1 of this legislation under its current statutory authorities that would allow it to convey National Forest System lands to Lander County for land or fair-market value in cash.

For example, under the Townsite Act, the Secretary of Agriculture may convey, for fair market value, up to 640 acres of land to established communities located adjacent to National Forests in Alaska or the contiguous western states. Within certain limits, the Sisk Act authorizes the Secretary of Agriculture to exchange lands

with states, counties, or municipal governments or public school districts for lands or money.

Moreover, under the General Exchange Act, the Secretary of Agriculture can exchange National Forest System lands with State and local governments. These laws require the Secretary of Agriculture to obtain fair market value for exchanges or sales of National Forest lands. Indeed, the Federal policy, in recent decades has moved toward obtaining a fair return to the public for the value of lands conveyed out of Federal ownership.

Conclusion:

This concludes my statement; I would be happy to answer your questions.

Mr. RADANOVICH. Thank you, Ms. Manning. We are going to hear from the entire panel before we open up the entire panel for questions. So thank you for delivering your testimony.

Next up is Mr. Jeff Taylor, who is the Assistant Director with the National Park Service. Jeff, welcome to the Subcommittee, and please begin your testimony. Again, if you could stick to 5 minutes, that would be great.

**STATEMENT OF JEFFREY TAYLOR, ASSISTANT DIRECTOR,
LEGISLATIVE AND CONGRESSIONAL AFFAIRS, NATIONAL
PARK SERVICE**

Mr. TAYLOR. Thank you, Mr. Chairman and Ranking Member Christensen, for inviting me to testify today.

I have been asked to testify on two specific bills, H.R. 437 and H.R. 1113. And I would just ask that I would be able to submit my full testimony for the record.

Mr. RADANOVICH. There being no objection, so ordered.

Mr. TAYLOR. Thank you.

The first one, H.R. 437, this is a bill that directs the Secretary of the Interior to conduct a study of Coltsville in Hartford, Connecticut, for potential inclusion in the National Park System.

The Department supports H.R. 437. The Coltsville study area includes nationally significant buildings, including Armsmear, a national historic landmark, and structures that are a part of the Colt Industrial National Register District.

The history of this site complements that of the Springfield Armory National Historic Site, also a unit of the National Park Service. Together, they show how innovations in the firearms industry laid the foundation for the American system of manufacturing.

Only through further investigation will it be possible to determine if some part of the study area is feasible and suitable for inclusion in the park system and what role, if any, the National Park Service should play at this site. The study should cost approximately \$300,000 to complete.

The bill directs the service to study the site commonly known as Coltsville and its surrounding area within the City of Hartford to evaluate its national significance, suitability, and feasibility for designation as a unit of the National Park System. It also directs the park system to evaluate the importance of the site to the history of precision manufacturing.

This is approximately a 260-acre site, and in the middle of it is a 17-acre Coltsville Heritage Park. This was recently acquired by a private developer from a nonprofit subsidiary of the Goodrich Corporation, and it contains 10 historic buildings, some of which

are occupied by commercial, residential, and office tenants; a number of artists who also live there and work in the complex.

Also within the study area, but in separate ownership, are examples of former Colt worker housing and other buildings associated with Colt history.

The Colt revolver was a revolutionary weapon that changed military tactics and eventually made the sword obsolete in combat. It was first produced in 1847, and it maintained its reputation through the Civil War despite competition from other manufacturers.

Colt's salesmanship was legendary, and the company grew due to his marketing, advertising, and public relations skills. He began construction of his first factory in Hartford in 1847. At the 1851 Crystal Palace Exhibition in London, Colt revolvers were displayed and their interchangeability demonstrated a highlight of the American system of manufacturing.

Colt would continue to supply sidearms to the United States military until 1985. Colt weapons were carried not only by the American soldier on the frontier but were the personal weapon of choice of cowboys, both famous and infamous.

Colt history complements that of Springfield Armory National Historic Site, which is managed by the Park Service in Springfield, Massachusetts, 25 miles north of Hartford. Originally, Springfield Armory produced shoulder arms, while Colt made handguns. Later, they worked together to bring the rapid-fire gun and, later, the machine gun into the inventories of the U.S. military.

In our 1998 Connecticut River Valley Special Resource Reconnaissance Study, we said, "Innovations stimulated by firearms manufacture, notably mass production and the concept of interchangeable parts, had far-reaching consequences throughout American industry." As the skills developed in firearms manufacture were given broader application, the corridor between New Haven, Connecticut, and Windsor, Vermont, became known as the "Precision Valley."

Developments in arms making translated to other metal-working industries, such as sewing machines, typewriters, bicycles, railway equipment, and clocks.

The study would be undertaken with the full involvement of representatives of the State of Connecticut, the City of Hartford, property owners in the study area, and other interested organizations and individuals in the region.

Secondly, I would like to speak on H.R. 1113. This is a bill that would authorize an exchange of land at Fort Frederica National Monument in Georgia.

The Department also supports this bill, this land exchange, as outlined in H.R. 1113. Although appraisals have not been done for the two parcels, we expect that the value of the land received by the Park Service will be more than the value of the land given up, so there would be no need for land acquisition funding.

The Park Service would incur increased operational costs associated with the exchange because of the archeological value to the park of the acquired lands. However, the amount of those costs cannot be determined at this time until the significance of the resources present on the site is established by the Park Service. We

would also suggest a technical amendment to provide the identification information required for the map referenced in the bill.

H.R. 1113 would authorize the Secretary to convey to Christ Church of St. Simons Island approximately 4.8 acres of land within the boundary of Fort Frederica National Monument in exchange for approximately 8.7 acres of land near Fort Frederica that will be acquired by Christ Church. Upon completion of the exchange, the Secretary shall revise the boundary of the monument and administer the land acquired through the exchange as part of the monument.

Fort Frederica is located 12 miles northeast of Brunswick on St. Simons Island. The monument's authorized boundary contains 250 acres and preserves the remains of a fortified town established and laid out by Governor James Oglethorpe in 1736 to defend against invasion from Spanish colonies in Florida.

Fort Frederica was one of the earliest English settlements in what ultimately became the State of Georgia, and it was established and planned by Oglethorpe. Fort Frederica was a prosperous community of substantial homes whose residents were tradesmen and farmers and supplied the garrison stationed there much the same way communities provide goods and services to our current military installations.

In 1739, Britain and Spain entered a war that eventually involved the fort. And after the 1748 treaty, Frederica's military garrison was withdrawn, and the Town of Fort Frederica fell into decline. In 1758, a fire destroyed most of the existing structures.

The 8.7-acre site that Christ Church proposes to exchange for the land at Fort Frederica contains archeological remains that have been established to be from the colonial period. And in addition, tradition indicates that the land includes General Oglethorpe's home. However, we are not aware currently of any archeological survey that has been completed on this tract to positively determine if that is the case.

The main town site within the national monument contains several well-preserved and partially reconstructed colonial ruins. There may be additional administrative and operational costs associated with protecting a small archeological site detached from the main park unit, and it has not been determined if that cost is commensurate with the limited additional interpretive value of the site if it only contains additional Frederica era resources but does not include Oglethorpe's home.

We understand that Representative Kingston may amend H.R. 1113 to adjust the acreage figures of the land subject to the exchange. We have prepared a land exchange map based on the language currently in the bill and the existing surveys of the two properties proposed for exchange.

We would be happy to prepare a new map, and we just would like to work with Mr. Kingston closely to assure that the artifact storage facility currently on Fort Frederica remains in the current boundary.

That concludes my testimony. I would stand ready to answer any questions that the Committee may have.

[The prepared statements of Mr. Taylor follow:]

Statement of Jeffrey Taylor, Assistant Director, Legislative and Congressional Affairs, National Park Service, U.S. Department of the Interior, on H.R. 437

Mr. Chairman, thank you for the opportunity to appear before your Committee to present the views of the Department of the Interior on H.R. 437. This bill would direct the Secretary of the Interior to undertake a study of Coltsville, a site in Hartford, Connecticut, for potential inclusion in the National Park System.

The Department supports H.R. 437. The Coltsville study area includes nationally-significant buildings including Armsmear, a National Historic Landmark, and structures that are part of the Colt Industrial National Register District. The history of this site complements that of the Springfield Armory National Historic Site, a unit of the National Park Service. Together they could show how innovations in the firearms industry laid the foundation for the American system of manufacturing. Only through further investigation will it be possible to determine if some part of the study area is feasible and suitable for inclusion in the National Park System, and what role, if any, the National Park Service should play at this site. The study should cost approximately \$300,000 to complete.

The National Park Service is in various stages of progress with 40 studies previously authorized by Congress. At least 17 of those studies are scheduled to be completed in Fiscal Year 2003. Seven additional studies are expected to be completed early in Fiscal Year 2004. Our highest priority is to complete the studies previously authorized by Congress, but we expect to begin work on newly authorized studies as soon as funds are available.

The bill directs the National Park Service to study the site commonly known as "Coltsville," and its surrounding area within the City of Hartford, to evaluate its national significance, suitability, and feasibility for designation as a unit of the National Park System. The bill also directs NPS to evaluate the importance of the site to the history of precision manufacturing.

At the core of the Coltsville area, which is estimated at some 260-acres, is the 17-acre Coltsville Heritage Park. Recently acquired by a private developer from a non-profit subsidiary of the Goodrich Corporation, this site contains ten historic buildings, some of which are occupied by commercial, residential, and office tenants; a number of artists also live and work in the complex. Also within the study area, but in separate ownership, are examples of former Colt worker housing and other buildings associated with Colt history. The potential study area borders Interstate 91, which parallels the Connecticut River, and is close to the central business district where the State Capitol and Museum of Connecticut State History are located. The State Museum is a major repository of Colt-related artifacts and archives, as is the Wadsworth Atheneum, a renowned museum also in the city center.

Samuel Colt was born in Hartford in 1814 and died there in 1862. He obtained his first patent in 1836 and went on to found a company that is still in operation today, although it moved from the historic armory to West Hartford, Connecticut and is no longer owned by the Colt family. The Colt name is known throughout the world. Colt firearms and other products have been used in every major conflict from the U.S.-Mexican War to the present.

The Colt revolver was a revolutionary weapon that changed military tactics and eventually made the sword obsolete in combat. First produced in 1847, it maintained its reputation through the Civil War despite competition from other manufacturers. Colt's salesmanship was legendary, and the company grew due to his marketing, advertising, and public relations skills. He began construction of his first factory in Hartford in 1847. At the 1851 Crystal Palace Exhibition in London, Colt revolvers were displayed and their interchangeability demonstrated as a highlight of the "American System of Manufacturing." Colt was so impressed with his reception in England that he would build a factory there, becoming the first American to set up a manufacturing plant overseas.

The Hartford facility expanded in the mid-19th century. The armory's distinctive blue onion dome, a Hartford landmark visible from I-91, was built in 1855. In order to attract laborers, Colt built a self-contained community surrounding the factory at Coltsville that included housing, gardens, beer halls, and a band. A library and school were established for the children of the workers, as well as a church and social hall. Many of these structures are still extant and are part of the Colt Industrial National Register District that was listed in 1976. The Colt family home, Armsmear, a National Historic Landmark, and its surrounding grounds are situated in Colt Park, abutting the armory site. The original factory burned in 1864, but was rebuilt soon after.

Colt would continue to supply sidearms to the United States military until 1985. Colt weapons were carried not only by the American soldier on the frontier, but were the personal weapon of choice of cowboys, both famous and infamous.

Colt history complements that of Springfield Armory National Historic Site, which is managed by the National Park Service in Springfield, Massachusetts, 25-miles north of Hartford along the Connecticut River. Originally Springfield Armory produced shoulder arms while Colt made handguns. Later they worked together to bring the rapid-fire gun and later the machine-gun into the inventories of the U.S. military. But in 1961 Colt challenged Springfield Armory's M14 rifle while promoting its competing AR-15, now known as the M16 rifle. This ultimately resulted in the demise of Springfield Armory in 1968.

The Colt story is also the story of Elizabeth Colt, who took over the factory after her husband's death in 1862, and ran it successfully for another 39 years. The history of this remarkable woman is not well-known and should be included as part of the study.

In our 1998 Connecticut River Valley Special Resource Reconnaissance Study, we said, "innovations stimulated by firearms manufacture, notably mass production and the concept of interchangeable parts, had far-reaching consequences throughout American industry." As the skills developed in firearms manufacture were given broader application, the corridor between New Haven, Connecticut and Windsor, Vermont became known as the "Precision Valley." Developments in arms making translated to other metal working industries, such as sewing machines, typewriters, bicycles, railway equipment, and clocks.

The study would be undertaken with the full involvement of representatives of the State of Connecticut, the City of Hartford, property owners in the study area, and other interested organizations and individuals in the region.

Thank you for the opportunity to comment. This concludes my prepared remarks. I would be glad to answer any questions that you or the members of the Committee may have.

Statement of Jeffrey Taylor, Assistant Director, Legislative and Congressional Affairs, National Park Service, U.S. Department of the Interior, on H.R. 1113

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to present the Department's views on H.R. 1113. This bill would authorize an exchange of land at Fort Frederica National Monument.

The Department supports an exchange of land between Christ Church Frederica and Fort Frederica National Monument, as outlined in H.R. 1113, in accordance with this testimony. Although appraisals have not been completed for the two parcels, we expect that the value of the land received by the National Park Service (NPS) will be more than the value of the land given up so there will be no need for land acquisition funding. The NPS would incur increased operational costs associated with the exchange because of the archeological value to the park of the acquired lands. However, the amount of those costs cannot be determined until the significance of the resources present on the site NPS acquires is established. We also suggest a technical amendment to provide the identification information required for the map referenced in the bill.

H.R. 1113 would authorize the Secretary to convey to Christ Church of St. Simons Island, Georgia approximately 4.8 acres of land within the boundary of Fort Frederica National Monument in exchange for approximately 8.7 acres of land near Fort Frederica that will be acquired by Christ Church. Upon completion of the exchange, the Secretary shall revise the boundary of Fort Frederica National Monument and administer the land acquired through the exchange as part of the monument.

Fort Frederica National Monument is located 12 miles northeast of Brunswick on St. Simons Island, Georgia. The monument's authorized boundary contains 250 acres and preserves the remains of a fortified town established and laid out by Governor James Oglethorpe in 1736 to defend against invasion from Spanish colonies in Florida.

Fort Frederica was one of the earliest English settlements in what ultimately became the State of Georgia, preceded by Fort King George (1721), located near Darien, Georgia, and the Cities of Savannah (1733) and Augusta (1735), also established and planned by Oglethorpe. Fort Frederica was a prosperous community of substantial homes whose residents were tradesmen and farmers supplying the garrison stationed there much the same way communities provide goods and services to military installations today. In 1739, Britain and Spain entered a war that

eventually involved Fort Frederica. After the 1748 treaty, Frederica's military garrison was withdrawn and the Town of Fort Frederica fell into decline. In 1758, a fire destroyed most of the existing structures.

Fort Frederica National Monument was established on May 26, 1936. Subsequent legislation increased the authorized boundary to 250 acres and directed the Secretary of the Interior to acquire the Battle of Bloody Marsh memorial site on St. Simons Island. Subject to the 250-acre limitation, the Secretary was also authorized to acquire additional marshland acreage west of the Frederica River, across from the National Monument, for additional protection of the historic scene.

On June 29, 1993, following a lengthy campaign involving the efforts and support of the Trust for Public Land and many private citizens of St. Simons Island, Fort Frederica acquired 28 acres of land, including river frontage on the south side of the town site, that had been planned for a major marina development. This acquisition preserved the historic view of the river approach to Fort Frederica. The 4.8-acre parcel that H.R. 1113 directs the Secretary to give to Christ Church is within this 28-acre acquisition.

The 8.7-acre site that Christ Church proposes to exchange for the land at Fort Frederica contains archeological remains that have been established to be from the colonial period. Tradition indicates that the land includes General Oglethorpe's home, however we are unaware of any archeological survey work that has been completed on this tract to positively determine if this is the case.

The main town site within the National Monument contains several well-preserved and partially reconstructed colonial ruins. There may be additional administrative and operational costs associated with protecting a small archeological site detached from the main park unit and it has not been determined if that cost is commensurate with the limited additional interpretive value of the site if it only contains additional Frederica era resources but does not include Oglethorpe's home.

We understand that Representative Kingston may amend H.R. 1113 to adjust the acreage figures of the land subject to the exchange. We have prepared a land exchange map based on the language currently in the bill and the existing surveys of the two properties proposed for exchange. We would be happy to prepare a new map, but want to work closely with Mr. Kingston in order to assure that the National Monument's artifact storage facility and other buildings remain within the current boundary of Fort Frederica and that the historic scene is protected. It also would be important to ensure that the value of the lands exchanged does not require land acquisition funding.

Our technical amendment to provide the map number, title, and date is attached to this testimony.

That completes my testimony. I would be happy to answer any questions that you or any members of the Subcommittee may have.

Proposed Amendment; H.R. 1113

On page 1, line 9, strike out everything starting with "Church and" through the end of subsection (a) and replace it with the following:

"Church and depicted as "NPS Lands for Exchange" on the map entitled "Fort Frederica National Monument 2003 Boundary Revision", numbered 369/80016, and dated March 2003, in exchange for the approximately 8.7 acres of land to be acquired by Christ Church, which is depicted as "Private Lands for Addition" on the same map."

Mr. RADANOVICH. Thank you, Mr. Taylor. I appreciate your testimony.

Next up is Mr. Bob Anderson from BLM, here to speak on H.R. 272. Mr. Anderson, welcome to the Committee, and please begin your testimony. And again, please try to keep to the 5-minute clock.

STATEMENT OF BOB ANDERSON, ACTING ASSISTANT DIRECTOR FOR MINERALS, REALTY, AND RESOURCE PROTECTION, BUREAU OF LAND MANAGEMENT

Mr. ANDERSON. Thank you for the opportunity to appear here today. The Forest Service has already addressed Section 1 of H.R. 272, and I will now address Section 2.

The Bureau of Land Management supports Section 2 of H.R. 272, which provides for the conveyance of the Maiden's Grave Cemetery near Beowawe, Nevada, to Eureka County. Approximately 10 acres would be conveyed to the county, which would maintain the area as a cemetery. In addition, the Bureau of Land Management would be required to grant access to the cemetery across adjacent public land.

The Maiden's Grave is the final resting place of Lucinda Duncan, who, on August 15, 1863, died on her way to the gold and silver fields of Nevada. Today, the site continues to receive occasional burials. Therefore, it is considered a modern cemetery and does not qualify for the National Register of Historic Places.

The BLM, through its planning process, has identified the cemetery as suitable for disposal, and the county has indicated a strong interest in taking responsibility for this parcel.

We appreciate this opportunity to work with local interests to the betterment of the community. We would like the opportunity to work with Congressman Gibbons and the Subcommittee to address technical issues, including modifications to the reversionary clause, clarification of timing on the transfer of the lands, specificity on the access route, and to assure that the mineral estate is conveyed along with the land.

Thank you, Mr. Chairman. That concludes my testimony.

[The prepared statement of Mr. Anderson follows:]

Statement of Bob Anderson, Acting Assistant Director for Minerals, Realty and Resource Protection, Bureau of Land Management, on H.R. 272, Eureka County, Nevada Land Conveyance

Thank you for the opportunity to appear here today. H.R. 272 provides for the conveyance of two cemeteries in Nevada to Lander and Eureka counties. I will confine my comments to section two of the bill and defer to the Forest Service on section one. The BLM supports section two of H.R. 272 which provides for the conveyance of the "Maiden's Grave Cemetery" near Beowawe, Nevada (Bay-o-wah-wee) to Eureka County, Nevada. Approximately 10 acres would be conveyed to the county which would maintain the area as a cemetery. In addition, the Bureau of Land Management (BLM) would be required to grant access to the cemetery across adjacent public land.

"The Maiden's Grave" is the final resting place of Lucinda Duncan who on August 15, 1863, died on her way to the gold and silver fields of Nevada. Mrs. Duncan at 71 was "the mother of the wagon train" which consisted largely of her seven surviving children, their spouses and a multitude of grandchildren. Following her death, the wagon train held a ceremony and their leaving was memorialized by a member of the party:

"...we paid our last debt & respect to the remains of the departed mother. There upon that wild & lonely spot, we left her, until Gabriel shall sound his trumpet in the last day. The scene was truly a sad one to leave a beloved mother on the wild and desolate plains. A board with the name of the deceased was put up at the head & boulder was laid over the grave to keep wolves from scratching in it. After this the train moved on."

Today, the site continues to receive occasional burials. Therefore, it is considered a "modern cemetery" and does not qualify for the National Register of Historic Places. The BLM, through its planning process, has identified the cemetery as suitable for disposal and the county has indicated a strong interest in taking responsibility for this parcel.

While we would typically expect to receive market value for such a transfer, we understand the unique circumstances in this case, and the unique needs of Eureka County. Under other circumstances, we might have considered a Recreation and Public Purposes (R&PP) Act conveyance to lower the cost to the county, but the need for permanency in this transfer prevents this from being a viable option, thus the need for legislative intervention.

We appreciate this opportunity to work cooperatively with local interests to the betterment of the community. We would like the opportunity to work with Congressman Gibbons and the Subcommittee to address technical issues including: modifications to the reversionary clause, clarification of timing on the transfer of the lands, specificity on the access route, and to assure that the mineral estate is conveyed along with the land.

Mr. RADANOVICH. Thank you, Mr. Anderson. Appreciate your testimony.

I will now begin to open up for questions for the members, and each one will have 5 minutes to ask questions. I am going to defer to Mr. Gibbons. Jim, if you want to go ahead and start, you have my 5 minutes.

Mr. GIBBONS. Thank you very much, Mr. Chairman, and I appreciate your generosity. And I would like to ask Ms. Manning, first of all, when did you come to the Forest Service?

Ms. MANNING. In 1979.

Mr. GIBBONS. And you were with the Forest Service in the year 2000?

Ms. MANNING. Yes.

Mr. GIBBONS. And what was your job title in 2000?

Ms. MANNING. I was associate deputy chief for business operations, I think.

Mr. GIBBONS. All right.

Ms. MANNING. I think that is what I was.

Mr. GIBBONS. Ms. Manning, let me bring you up to date. Because you were obviously in the Forest Service during this period of time but may not have had the direct contact during this 2000 time-frame that you mentioned in your testimony with regard to this parcel of land in Kingston, Nevada.

In your testimony, you suggested that since 2000 or at 2000, the Town of Kingston changed its mind regarding the need for more than 1.25 acres, and I would suggest to you that that is not true. 1970, the township and the Forestry Department agreed that 10 acres was the adequate size of the parcel of land for this.

Having talked to the representatives of the Town of Kingston just last week, they have not revised their need for 10 acres, and they have not revised it down to 1.25 from the 10 acres that they had originally had. But rather, it was the United States Forest Service that decided that the town did not require the 10 acres, and the town respectfully disagrees with you on that issue.

The Town of Kingston did not believe that the 1.25 acres was adequate, as the Forest Service and your testimony claims, but rather that that 1.25 acres was the maximum acreage that the United States Forest Service was willing to sell the town. And it was the Forest Service that judged that the 1.25 acres was adequate, not the Town of Kingston.

The Forest Service has been willing to allow the Town of Kingston to hold the 10 acres for nearly 30 years. And despite recently revising the permit to reduce the site to 1.25 acres, the United States Forest Service has already agreed that it would be willing to sell the 8.75 remaining acres to the Town of Kingston, but only at fair market value or trade for appropriate land.

Now we are back to where your testimony was. Let me ask you a question. Do you agree or on the basis of the United States

Forest Service that the 8.75 acres which is the subject of this bill is needed or not needed for proper management of the United States Forest Service lands in that area? Is it on the disposal list is what I am asking?

Ms. MANNING. As far as I know, it is not on the disposal list.

Mr. GIBBONS. Is it needed as part of the adequate management of the Toiyabe National Forest in that area?

Ms. MANNING. I would have to confer with the district ranger there and find out if it is actually needed.

Mr. GIBBONS. But you are saying that you are willing to sell it?

Ms. MANNING. What we strive to do in the Forest Service, if the county indicates that there is a need for this land for its cemetery, then we will entertain that because of the need being a greater public need.

Mr. GIBBONS. So here it is, the City of Kingston, Nevada, has indicated that it needed 10 acres, and it has needed 10 acres since 1970. You agreed in 1970 that 10 acres was the adequate size because you put it under a special use permit for them as a cemetery.

Today, you are saying they only need 1.25. They say they still need the 10 acres. Adequate parking, growth of a cemetery, which is the inevitability of all of us on this earth. And you are disagreeing that they only need 1.25 versus 10 acres. Is that what you are saying today?

Ms. MANNING. No, what I am saying is they have not come to us since that time asking for additional usage. And we do have a letter from them saying that is all they needed. And since that time—

Mr. GIBBONS. What is the date of the letter, and would you submit it for the testimony in the record, please?

Ms. MANNING. Yes, I will. It is October 1, 1999.

Mr. GIBBONS. OK. So that was the reason why it came back. But you stated also that you only permitted 1.25 acres to be the maximum that you would sell them. And they said they could get along with that for \$500.

Ms. MANNING. That I am not sure of. I will have to check the records to see that we said that.

Mr. GIBBONS. I would like to see a copy of that letter as well. One thing I want to ask for is what is the fair market value, Ms. Manning, of a cemetery?

Ms. MANNING. I don't know that. We would have to have it appraised. But we think it is approximately \$6,000, based on what we know, but we haven't had it appraised.

Mr. GIBBONS. Mr. Chairman, my time is up.

Mr. RADANOVICH. You are on a roll. You don't want to continue, or you need another couple of minutes, Jim? We can go around, and everybody can have their 5 minutes and come back.

Mr. GIBBONS. Why don't I let others ask the questions, and I will come back and fill in?

Mr. RADANOVICH. OK. Great. I yield to Mrs. Christensen for 5 minutes.

Mrs. CHRISTENSEN. Thank you, Mr. Chairman.

And I would be willing to allow my colleague, Mr. Larson, to go ahead of me if he had a few questions, and I reserve my time, though.

Mr. LARSON. I just have a point.

Mr. RADANOVICH. OK.

Mr. LARSON. Thank you, Mrs. Christensen.

I just simply want to thank the National Park Service for coming forward and testifying so eloquently with regard to this need, and I would yield back. And again, thank both you and the Chairman for the courtesies that you have shown us today.

Mrs. CHRISTENSEN. OK? OK. Thank you, Mr. Chairman.

I guess I would start with Ms. Manning. Just one question. On the Forest Service parcel, Section 1D requires that the Secretary grant an easement over a specific forest development road, and it says, "Notwithstanding any future closing of the road for other use."

Are you comfortable with that language, and doesn't this effectively mean that the Forest Service would never be able to close that road?

Ms. MANNING. Well, we don't interpret it as never because we usually work with the county for safety and health reasons if there is a need to close it. But we would confer with the county on things like that. And with that understanding, we are comfortable with it.

Mrs. CHRISTENSEN. Even though the legislation said "notwithstanding any future closing of the road for other use"? I mean, that is how it is written.

Ms. MANNING. We would—

Mrs. CHRISTENSEN. It seems pretty clear. Would you be uncomfortable leaving that road open? I mean, not having the complete authority to close that road because the legislation says that it cannot be closed?

Ms. MANNING. Well, we always like to work with the community to modify so that if there are safety reasons or health reasons—

Mrs. CHRISTENSEN. Right.

Ms. MANNING. And usually, in the past, when we have worked with the counties, they will agree to allow us to close it under those conditions.

Mrs. CHRISTENSEN. OK. Thanks.

I guess I would go to Mr. Anderson next. In your testimony, you said that BLM might have considered accomplishing the conveyance in H.R. 272 under Recreation and Public Purposes Act, but that the need for permanency prevented that from being a viable option.

If it had been conveyed under RPPA, the Federal Government would have received compensation, which is not the case under the legislation before us. Could you expand on why the RPPA was not a viable alternative to legislating this transfer?

Mr. ANDERSON. It would be a viable alternative, actually, if the county were willing to pay 50 percent of the fair market value.

Mrs. CHRISTENSEN. OK. Does the permanency relate to that in any way?

Mr. ANDERSON. Well, under the R&PP Act, there is a reverter clause always. And under H.R. 272, I know there is, you have built in a reverter.

To be real candid, I am not sure that a reverter is necessary here. And if there is a reverter, we would want it to be discretionary because before we take something back in ownership, we

would want to make sure that the land is clear of encumbrances or hazardous materials.

Mrs. CHRISTENSEN. OK. So you answered a part of my next question.

So the other technical issues that you mentioned beside the reverter clause is a clarification of timing on the transfer of lands, the specificity on the access route, and the issue—the last one, I think, was regarding conveyance of the mineral estate.

Could you just expand on each of those for me, please? The timing, the specificity on the access route, the conveyance of mineral.

Mr. ANDERSON. Well, on the timing, since there is no deadline in H.R. 272 in terms of granting the parcel to the county, BLM would do a National Environmental Policy Act, a NEPA document, probably an environmental assessment. We would also have cultural surveys in there, as well as threatened and endangered species inventories. And that takes time.

Although I don't think it would take much time, that is why we would have to work with our field office to see what timeframe we would be talking about on that one.

In terms of the access, the county road is adjacent to the 10-acre parcel. And if you were to look at a map, there doesn't appear to be access off the county road. And if the county would desire, we would grant an easement. I am not sure it is necessary. But if they would like that insurance, we could accommodate that.

Mrs. CHRISTENSEN. OK.

Mr. ANDERSON. In terms of the mineral interests, actually it is just a reiteration that the mineral estate would go with the conveyance. It wouldn't be practical, I don't think, to reserve the minerals here. We don't think it has potential for mineral development, and of course, we wouldn't want to be interfering with the purposes for the cemetery either.

Mrs. CHRISTENSEN. OK. Let me see if I can get a question in for Mr. Taylor.

Mr. Taylor, in your testimony, you said that if the parcel the NPS is to acquire didn't contain General Oglethorpe's home, it would have limited interpretive value. Doesn't it make sense to do the archeological survey to establish whether this is the Oglethorpe site before we acquire it?

Mr. TAYLOR. It is my understanding there have been some limited archeological studies done already that does indicate there are some resources from the Fort Frederica area. So it does already include some valuable resource areas.

Mrs. CHRISTENSEN. Would it be—

Mr. TAYLOR. It would be advantageous to have an archeological appraisal done to see if, in fact, this is the site that the Governor had his home located on. That is what—

Mrs. CHRISTENSEN. But if it was not the home, would the site have equal interpretive value? Would it make the exchange—

Mr. TAYLOR. It would probably have less interpretive value, but it still does have interpretive value at this—from what we know about the site already.

Mrs. CHRISTENSEN. So if that was not there and you were asked to do the exchange, you would still support the exchange?

Mr. TAYLOR. That is correct.

Mrs. CHRISTENSEN. My time is up.

Mr. RADANOVICH. Thank you, Donna.

Jack, did you want to be recognized? I recognize Mr. Kingston for 5 minutes.

Mr. KINGSTON. Thank you, Mr. Chairman.

I just wanted to say Mr. Taylor had mentioned that we need to amend the bill because of the acreage point, and we are certainly all in agreement with any kind of technical amendment to that nature, and we are all on the same page.

Also, Mr. Chairman, if I might use some time. Unfortunately, I have a 3 leadership meeting at the Capitol that I am going to have to leave. So I am not going to be able to introduce Senator Mattingly, but I trust that he is going to be in good hands with this distinguished bipartisan Committee. If not, I know I am going to hear from him on it.

[Laughter.]

Mr. RADANOVICH. Thank you. We will take good care of him, Jack. Don't worry.

Ms. BORDALLO, would you like to address? No questions?

Ms. BORDALLO. No questions.

Mr. RADANOVICH. OK. Thank you. Then I recognize Mr. Gibbons.

Mr. GIBBONS. Thank you very much, Mr. Chairman.

I want to go back to a line of questioning that Mrs. Christensen started off with, which is the closure of the road from Kingston to the cemetery. Do you know how far it is from the town site of Kingston to the cemetery?

Ms. MANNING. I don't know the exact mileage.

Mr. GIBBONS. Do you have a guesstimate?

Ms. MANNING. No, I don't.

Mr. GIBBONS. Well, I can tell you I have a map sitting in front of me, a survey map that shows the 1.25 acres within the 10-acre boundary limitation that they have asked for, or the original permit. And that shows right at about 249.18 feet.

Now, if you want to close a road for a certain reason, would you close a road that is 249.18 feet from the city limits to their cemetery?

Ms. MANNING. As I stated earlier, only if it is for safety and, you know, or health reasons, and we don't—

Mr. GIBBONS. Can you imagine, in the comfort of your chair while you sit there, a safety reason that would indicate that you would close a road for that length of time?

Ms. MANNING. At the moment, no. But if there is some outbreak of something and—

Mr. GIBBONS. OK.

Ms. MANNING. But normally, no. And if we did, we wouldn't do it without conferring with the county.

Mr. GIBBONS. Now, you have indicated that the Forest Service is willing to sell the City of Kingston this property at fair market value, which you have established ball park figure of around \$6,000, somewhere in there?

Ms. MANNING. But that is just a guess.

Mr. GIBBONS. OK. That suggests to this Committee that you are willing to part with this property because it is not needed for the

real management of the Toiyabe Humboldt National Forest System.

How large would you tell this Committee is the Toiyabe Humboldt forest system? How big? How many acres?

Ms. MANNING. I don't know.

Mr. GIBBONS. Do you have a guess?

Ms. MANNING. No, I don't. I would rather not. But—

Mr. GIBBONS. Is it more than 6 million acres?

Ms. MANNING. No, it isn't.

Mr. GIBBONS. Is it less than 6 million?

Ms. MANNING. Yes, it is.

Mr. GIBBONS. OK. So you know its approximate size?

Ms. MANNING. I don't know. I would rather not go on record as saying how big it is because—

Mr. GIBBONS. OK. Is it bigger than 1,000 acres?

Ms. MANNING. Yes, it is.

Mr. GIBBONS. Is it bigger than 100,000 acres?

Ms. MANNING. If you are going to make me guess, I would think it is less than a million acres.

Mr. GIBBONS. OK. So we are talking about 1/10,000 of a percent of the land which would be conveyed. So, obviously, you have got a large Forest Service area out there, and we are talking 10 acres right next to this town site that has been used for a cemetery.

When would the Forest Service ever issue a special use permit for a permanent use?

Ms. MANNING. Well, normally, we issue special use for 20 years, and I think that is about the max. But it can be renewed. And so, in essence, it ends up being permanent. But it is reissued, taking into consideration the public needs at that particular time.

Mr. GIBBONS. A cemetery would definitely be a public permanent use?

Ms. MANNING. Right. And likely we would issue a special use permit for what they needed for as long as they needed.

Mr. GIBBONS. OK. And that is fine. And I just want you to know that, you know, I am not here to put you in a trap. I am not here to get the Forest Service to commit to something they haven't already done, which they have done.

What would you do if, at the end of those 20 years, the City of Kingston said to the Forest Service, "We no longer want the cemetery. We want you to go out there and maintain those grave sites. We want you to maintain that road. And we want you to be responsible for all of those grave sites." What would you do at that point in time?

Ms. MANNING. It would revert back, and we would, within the fiscal ability we had, we would take care of it.

Mr. GIBBONS. So you are saying that if you don't want to do this, they can't buy it, the Forest Service would be willing to maintain that cemetery in perpetuity?

Ms. MANNING. We would have no choice if it reverted back to us. But what we are saying is on the authorities that we have, we can convey it. But it is only on that authority which is for fair market value.

Mr. GIBBONS. Well, this bill mandates that you bypass that authority because that authority was granted by Congress or

mandated by Congress, and we can grant that authority to bypass that, can we not?

Ms. MANNING. Yes, you can.

Mr. GIBBONS. And that is what this bill does.

Ms. MANNING. If the bill is passed, sir, we would—

Mr. GIBBONS. So the Forest Service merely wants \$6,000 out of a very small community that probably doesn't have the financial means at this point in time to pay for the 10 acres for its cemetery?

Ms. MANNING. It is a matter of our implementing the acts as they are. And at the moment, the only authority that we have exists within the Townsite Act.

Mr. GIBBONS. Well, Mr. Chairman, one final question for Ms. Manning, and then I will let her go because I know she has got a lot of other things to deal with.

Is your only complaint with this bill that it requires you to convey that 8.75 acres at zero cost to you, at no cost to you, versus the fair market value? Is that your only complaint with Section 1?

Ms. MANNING. It is that complaint and the fact that, and within our records, we have documentation that the town no longer needs that acreage.

Mr. GIBBONS. All right. If I can get you a statement from the township, from the leadership of Kingston Township that they actually wanted the 10 acres and have always wanted the 10 acres, your only complaint then would be that they are asking for it free?

Ms. MANNING. And the precedent that that would set.

Mr. GIBBONS. Mr. Chairman, I could stay here and issue these comments until we actually got the land out of them by forcing them to sit here. But I won't do that to this Committee.

Thank you.

Mr. RADANOVICH. Thank you, Mr. Gibbons.

Mrs. Christensen for 5 minutes?

Mrs. CHRISTENSEN. Thank you. And I hope I won't take that long.

I had a few more questions for Mr. Taylor. The site in H.R. 1113 is a small, detached site. What are the other uses surrounding that site, and what are the costs that you associate with administering a detached site like that?

Mr. TAYLOR. I am sorry. The first part was what other—

Mrs. CHRISTENSEN. Yes. What is surrounding—

Mr. TAYLOR. My understanding is that one portion of the land, or it is included in a larger portion that is currently owned by Sea Island Plantation that is an undeveloped site. And I am not sure of the actual acreage of that particular site.

And then on the other side that is actually contiguous with Fort Frederica, it is a small residential neighborhood.

Mrs. CHRISTENSEN. OK. What are the costs that would be associated with administering a small site that is detached from the other—

Mr. TAYLOR. There could certainly—

Mrs. CHRISTENSEN. Because I think in your testimony, you also say that you weren't sure that the cost to administer would be justified if the Oglethorpe house was not on that property.

Mr. TAYLOR. Well, it actually seems that the costs for oversight of that particular land will actually increase if it turns out that

that is where Governor Oglethorpe had his home, simply because there will be more resources that will need to be protected. So there may be some fencing needs that would need to be taken—

Mrs. CHRISTENSEN. But then the interpretive value if the home was, indeed, there would be worth—

Mr. TAYLOR. It would justify a higher cost.

Mrs. CHRISTENSEN. And if it were not there, the cost to administer would be justified with the lesser interpretive value?

Mr. TAYLOR. I am not exactly sure what costs are going to be incurred. But there would certainly be, you know, a ranger is going to need to go by and check on the site on a regular basis. There may need to be some fencing even if Oglethorpe's home does not show up on that property.

Mrs. CHRISTENSEN. OK. I just have one other short question.

Mr. TAYLOR. Yes, ma'am?

Mrs. CHRISTENSEN. You also said that you had some concern about the proposed alterations to the exchange. Is there some question that those changes could include the service facilities, National Park Service facilities?

Mr. TAYLOR. I think there was actually some confusion on our part as our understanding is that the parcel that the Christ Church wants does not include the curator's facility—

Mrs. CHRISTENSEN. Right.

Mr. TAYLOR. —or any of the other maintenance facilities that we have in that corner of Fort Frederica. And as long as it doesn't, then we are totally supportive of the exchange.

Mrs. CHRISTENSEN. OK. But you are not clear what the alterations might—

Mr. TAYLOR. It seemed that there seemed to be some confusion, frankly, between Congressman Kingston's office and ours as to what the land looked like. But our understanding was that the 4.7 acres did not include and does not include any of our supporting facilities.

Mrs. CHRISTENSEN. And would not include.

Mr. TAYLOR. And would not include. That is correct.

Mrs. CHRISTENSEN. Thank you, Mr. Chairman.

Mr. RADANOVICH. Any other questions for the panel?

[No response.]

Mr. RADANOVICH. If not, thank you very much for coming. And with that, we will call up our third panel. Thank you.

Next is the Honorable Mack Mattingly, former U.S. senator from the State of Georgia, from St. Simons, Georgia, and also Mr. Robert Kohn, chief operating officer from the Colt Gateway LLC in Hartford, Connecticut.

Mr. GIBBONS. Mr. Chairman, may I ask a question—

Mr. RADANOVICH. Yes.

Mr. GIBBONS. —to the Chairman? Assuming that I get this letter of statement of fact from the City of Kingston with regard to the need for 10 acres versus the 1.25 acres, would it be appropriate to submit that to the Committee for inclusion into the record—

Mr. RADANOVICH. Absolutely.

Mr. GIBBONS. —when that arrives. Thank you.

Mr. RADANOVICH. No objection at all.

Mr. GIBBONS. Thank you.

[The letter from the Kingston Town Board submitted for the record follows:]

**KINGSTON TOWN BOARD
HC 65 BOX 130 KINGSTON
AUSTIN, NEVADA 89310
(775) 964-2120**

KINGSTON TOWN BOARD
Hilary White – Acting Chairman
Deborah Nevius – Clerk
Tamera Elkins – Member
Kenneth Danebrock – Member

October 1, 1999

Humboldt-Toiyabe National Forest
1200 Franklin Way
Sparks, Nevada 89431

Attention: Gloria Flora, Forest Supervisor

Reference: Kingston Cemetery

Dear Ms. Flora,

The Town of Kingston is requesting that the Humboldt-Toiyabe National Forest allow the Town of Kingston to obtain title to 1.25 Acres of National Forest service land with the following legal description:

a portion of the SW1/4SE1/4SE1/4 of Section 36, T.16N, R.43E, MDB & M

This acreage is located adjacent to the Town of Kingston and includes the .47 acre site which is the Kingston Cemetery. In addition to the current cemetery property, we desire to obtain title to an additional .78 acre for the purposes of parking and anticipated expansion of the current cemetery.

The Town is currently utilizing the site under a Special Use permit. (See attached). We understand that this land can be obtained in several ways.

The Humboldt-Toiyabe National Forest, has indicated a commitment to seeing that the Town of Kingston is able to obtain this acreage. Our hope is that this can now be accomplished in a timely manner.

If you have any further questions or suggestions for completing this endeavor, you can contact the Town of Kingston through the office of the Kingston Town Board at HC 65 Box 130 Kingston, Austin, NV 89310 or by phoning (775) 964-2120.

Thank you,


Deborah Nevius, Town Board Clerk

Enclosures

Cc: Steve Kluge (Sparks Office)
Erin O'Connor (Austin Office)

Mr. RADANOVICH. All right. Welcome to the Subcommittee. Senator Mattingly, welcome. And on behalf of Jack Kingston, too, I want to welcome you and assure you that we will take very good care of you.

And if you would like to begin your testimony on the Fort Frederica issue, please begin to do so.

**STATEMENT OF THE HON. MACK MATTINGLY, FORMER U.S.
SENATOR FROM THE STATE OF GEORGIA**

Senator MATTINGLY. Thank you, Mr. Chairman and Ranking Member Christensen.

Having sat on both sides, this is the first time I have ever testified. But I was a Subcommittee Chairman for 6 years on Appropriations, and some Committee meetings are painless and some are painful. So sometimes I know how you feel.

But it is my pleasure to be here today in order to testify before you in regards to H.R. 1113. As a Vestry member of Christ Church, Frederica, it has been my task to try to assist our church in trying to obtain a land exchange between Fort Frederica and the church that would benefit both parties.

I sincerely believe that we have accomplished this with the legislation now before you. This effort was started several years ago. But with the assistance of Congressman Kingston that he and I started in actually March of 2002, we have arrived at a solution with H.R. 1113, when the acreage stated is amended to read 6.0 acres and not 4.8 acres.

Christ Church has agreed with the Sea Island Company to exchange approximately 23.124 acres of Christ Church land for 8.69 acres of land that the Sea Island Company owns that is noted, and has been for years, as the Oglethorpe site.

And we now want to exchange the Oglethorpe site of 8.69 acres designated by the Shupe Surveying Company, dated September 19th in the year 2000, for 6.0 acres of land as designated by the Shupe Surveying Company, dated December 20, 1999.

The land that we exchange to Sea Island will be usable to them, whereas the land that we obtain from Sea Island would not be usable by them because of its historical value. Anybody that has been involved in land and properties and exchanges of historical value knows that you cannot build on something that has historical value.

And Christ Church itself has doubled in size in the last 9 years, and the additional land is really needed for its expansion. That 6.0 acres that is adjacent to Christ Church owned by Fort Frederica National Monument does not detract from the national monument and is a perfect site for the church. But in addition, the 8.69 acres that Fort Frederica National Monument will acquire is not only larger, but it is a historical site that is contiguous to the monument and is no doubt of great value.

James Oglethorpe, as many have stated, briefly occupied this 8.69 acres as his homestead. Now, preservation of such sites, as they are really nonrenewable resources, should be protected by the Park Service from damage and destruction and also preserved for future scientists and the public.

The Oglethorpe site was on around 300 acres with probably only about 50 acres of high ground, and the balance of that was marsh. And this site really has a really great scientific value and potential, and it deserves to be protected and nominated for inclusion in the National Record of Historic Places. I believe that public access and damage to this site can be reduced by deeding it to the Federal Government.

And I think, as Mr. Taylor testified, that it does have value even if Oglethorpe hadn't been there because it is an historical site. And in the larger issue, the National Park Service gets a greater land area in this exchange, and it is contiguous with the Park Service.

And as far as the change from 4.7 to 6.0 acres, the original 4.7 acres had in it a government building, and it was really the National Park Service that came to the assistance of the church to say that to make this a 6-acre site and cut that building out of that site. So as a former 1985 Georgia conservation of the year, which few people acquire that title in the State of Georgia as a representative, I ask consideration by this Committee to approve this legislation.

Thank you.

[The prepared statement of Senator Mattingly follows:]

Statement of The Honorable Mack Mattingly, a U.S. Senator from the State of Georgia, Retired, St. Simons, Georgia, on H.R. 1113

Mr. Chairman, it is a pleasure to be here today in order to testify before you regards to H.R. 1113. As a Vestry member of Christ Church, Federica, it has been my task to assist our church in trying to obtain a land exchange between Fort Federica and the church that would benefit both parties. I sincerely believe we have accomplished this with the legislation now before you. This effort was started some several years ago, but with the assistance of Congressman Kingston that he and I started in March of 2002 we have arrived at a solution with H.R. 1113 when the acreage states is amended to read 6.0 acres not 4.8 acres.

Christ Church has agreed with Sea Island Company of Sea Island, Georgia to exchange approximately 23.124 acres of land that belong to Christ Church for 8.69 acres of land Sea Island owns, that is noted as the Oglethorpe site. We now want to exchange the General Oglethorpe site of 8.69 acres designated by Shupe Surveying Co., PPC dated 9/19/00 for 6.0 acres of land Ft. Federica, as designated by Shupe Surveying Co. dated 12/20/99. The land we exchange to Sea Island will be useable for them, whereas the land we receive from Sea Island would not be because of its historical value.

Christ Church has doubled in size in the last 9 years and the additional land is needed for its expansion. The 6.0 acres that is adjacent to Christ Church owned by Ft. Federica National Monument does not detract from the National Monument, and is a perfect site of the church, but in addition the 8.69 acres that Fort Federica National Monument will acquire is not only larger, but is a historical site that is contiguous to the monument and is no doubt of great value.

James Oglethorpe as many have stated, briefly occupied this 8.69 acre area as his homestead. Preservation of such sites, as they are non-renewable resources, should be protected by the Park Service from damage and destruction and also preserved for future scientists and the public. The Oglethorpe site was on the around 300 acres with probably on 50 acres of high ground and the balance of the marsh. This site has great scientific potential and deserves to be protected and nominated for inclusion in the National Record of Historic Places. Deeding it to the Federal Government should reduce public access and damage to the site.

Thank you for your time and attention to this testimony Mr. Chairman.

Mr. RADANOVICH. Thank you, Senator.

Next up will be Mr. Robert Kohn, who is the Colt Gateway Chairman of the LLC. Mr. Kohn, welcome to the Committee, and we will look forward to your testimony.

**STATEMENT OF ROBERT KOHN, CHIEF OPERATING OFFICER,
COLT GATEWAY LLC**

Mr. KOHN. Thank you very much, Mr. Chairman and distinguished members of the Subcommittee.

It is an honor to be here today and to share with you some of the many attributes of both Samuel and Elizabeth Colt and the legacy that they left behind for all of us to share.

I have a written statement that I would ask unanimous consent from the Committee to have inserted in the record and would ask your permission to briefly summarize the highlights of that document for your convenience.

Mr. RADANOVICH. There being no objection, so ordered.

Mr. KOHN. Thank you. My name is Robert Kohn. I am the chief operating officer for the parent company, Homes For America Holdings, Inc., that owns this incredible 17-acre site known as Coltsville in Hartford, Connecticut.

I would like to highlight some of the many salient points that make Coltsville a truly unique candidate for National Park Service status.

Samuel Colt, born in Hartford, Connecticut, in 1814, was a man of extraordinary drive and vision. At the age of 22, he received his first patent and founded a company that helped lead America into the industrial revolution.

At the age of 33, he started the construction of the Coltsville factory, crowning it with its nationally recognized blue onion dome in 1855. Sam Colt created an entire village around the factory, including gardens, schools, housing, a library, social halls, and a church in order to attract skilled labor to his factory.

Sam Colt died in 1862. And 2 years later, the factory burned to the ground. By all rights, this should have been the end of the story. But, in fact, it is the beginning of another fascinating story, the mostly untold story that matches any of the lessons we have studied in American history about the great industrialists of our Nation.

It was 10 years after Sam Colt's death that the gun that won the West, the Colt .45 Peacemaker, was developed and produced. It was the latter part of the 19th century, well after Sam Colt's death, that saw Coltsville's greatest prosperity.

So with the death of Samuel Colt and destruction by fire of his plant shortly thereafter, who was responsible for the rebirth of Coltsville? And who was responsible for the most famous of the Colt handguns being produced?

Who guided Coltsville for 40 years after Sam's death into a period of tremendous financial success? And finally, who kept the factory on the cutting edge of technology all of this time? One person—his wife, Elizabeth Colt, perhaps America's first and foremost national and international industrialist.

The story of Sam and Elizabeth Colt needs to be told. The impact of the manufacturing techniques used at Colt needs to be shown. Henry Ford visited Coltsville to learn more about combining quality and quantity in production. Connecticut, Vermont, and Massachusetts became known as Precision Valley, based on exacting quality in manufacturing. Bicycles, sewing machines, cars, jet

engines, clocks, and typewriters have been built using manufacturing skills learned at Coltsville.

Sam and Elizabeth Colt were gun manufacturers, first and foremost. Colt firearms have served this Country well through countless battles and in lands near and far. But the legacy that the Colt family has left us to preserve is not just their firearms, but the proof that in America, with hard work, dedication, and drive, man or woman alike can achieve greatness and bring about significant change and improvements to a business, an industry, and to the overall quality of life for all.

Elizabeth Colt did all that against all odds and at a time when a woman in the workplace was a rarity. I hope you all agree that Coltsville has a multifaceted story to be told, replete with a hero and heroine.

Creation of a national park of any size is an ongoing formidable financial commitment by the government. We at Coltsville know and understand this, and we are committed to help. Here are a few of the possibilities.

The proposed park could encompass the entire 17-acre site of Coltsville with both public and private space, gardens, museums, visitor center, and a tour of the dome. All of the buildings of Coltsville are being renovated and/or restored to national landmark specifications currently.

Space for the visitors center containing original steam-driven pistons for the factory, access to the blue onion dome, as well as museum space in one or two of the oldest buildings on the site—those being the foundry and/or polishing buildings—could be available to the public.

The owners of Coltsville are spending in excess of \$100 million to restore Coltsville, thereby minimizing the need for National Park Service's capital outlays. We hope that this Subcommittee will recommend to the Secretary of the Interior that a formal study of this site be conducted for inclusion of Coltsville as part of the National Park System.

With what Coltsville represents historically to this Country, along with the stories of Samuel and Elizabeth Colt, with \$100 million investment we are making privately, and with its proximity to the Springfield Armory and the Lowell, Massachusetts, park, I am sure this would be an invaluable addition to the National Park System and a site that would be visited by many people across the United States and afar for years to come.

Thank you all for your time.

[The prepared statement of Mr. Kohn follows:]

**Statement of Robert M. Kohn, Chief Operating Officer,
Colt Gateway LLC, Hartford, Connecticut**

Thank you for the opportunity to appear before your Committee to present the views of Colt Gateway LLC and Homes For America Holdings, Inc. on H.R. 437. This bill would direct the Secretary of the Interior to conduct a study of the site commonly known as "Coltsville" in the State of Connecticut for potential inclusion in the National Park System.

An Introduction

As the Chief Operating Officer of Colt Gateway LLC, a subsidiary of Homes For America Holdings, Inc., I strongly support a study to include Coltsville in the National Park System. Coltsville's national significance, suitability and feasibility for designation as well as the importance of the site to the historic preservation of an

American legacy make this site an ideal candidate for inclusion in the National Park System. In my opinion, there are few more deserving locations for the National Park designation than Coltsville. Coltsville's fascinating history, its impact on innovation and American history, its positioning as the home of Elizabeth Colt as one of the first female industrialists, the site's compatibility with other nearby National Parks and the momentum, planning and financing currently in place to make this Park a reality" all are persuasive grounds for supporting this study.

The Coltsville Study Area

Coltsville is a 17-acre community in Hartford, Connecticut built around Samuel and Elizabeth Colt's firearms factory during the Industrial Revolution of the 19th century. Currently owned and operated by Colt Gateway LLC, the site itself contains ten historic buildings, portions of which are occupied by both commercial and residential tenants, including a large number of artists who live and work in the complex. Colt Gateway LLC is currently conducting a substantial \$102 million historic rehabilitation and preservation of the site, in full accordance with national historic standards. The East Armory building within the site, with its landmark red brick building and distinctive blue onion dome, would serve as the ideal center for the Park

Easily accessible from Interstates 91 and 84, Coltsville runs parallel to the nearby Connecticut River and is within walking distance of the Hartford central business district. Within the immediate area are former buildings that housed Colt workers as well as splendid Victorian homes such as Armsmear, which served as the home of Samuel and Elizabeth Colt and is now a National Historic Landmark. Other attractions in the immediate area help to make Coltsville even more of a destination, including the houses of Mark Twain and Harriet Beecher Stowe, the Museum of American Political Life, the Colt Memorial and of course the riverfront. Other significant nearby attractions include the State Capitol, the Museum of Connecticut State History and the Wadsworth Atheneum museum, which stores vast collections of Colt-related artifacts and archives.

A Brief History of Coltsville

Samuel Colt, born in Hartford in 1814, lived the life of a legend. With his first patent in 1836, he founded a company that played a leading role in the Industrial Revolution. Construction of the Coltsville factory began in 1847 and expanded throughout the mid-19th century, including the construction in 1855 of the armory's distinctive blue onion dome, a Hartford landmark visible from I-91. In order to attract laborers, Colt built a self-contained community surrounding the factory that included housing, gardens, and entertainment halls as well as a library, school, church and social hall. Many of the structures still exist today and are part of the Colt Industrial National Register District that was listed in 1976.

Samuel Colt died in 1862, and two years later the factory burned to the ground. In a fascinating example of one of this country's first female industrialists, Elizabeth Colt took over the factory and ran it successfully for another 40 years. In fact, Samuel Colt's most recognized accomplishment, the Colt 45 Peacemaker, was not actually developed or manufactured until ten years after his death. Elizabeth presided over the company during its most prosperous years, in a period when men dominated the industrial world. Her significant contributions to American industrialism make Coltsville distinct from other historical sites and establish a broader base than the history of munitions manufacture. This is a place where a dynamic woman seized the helm of her husband's company, steering it to ongoing success through the manufacture of innovations that changed the face of American history. Elizabeth Colt gives the site a central story, broad utility, a greater audience and a compelling reason to visit.

Coltsville Innovation & Impact on American History

Coltsville is most known as the birthplace of a concept that transformed the firearm from a single shot device into a multiple shot device and changed the course of American economic and military history. The Colt revolver was a revolutionary weapon that changed military tactics and eventually made all weapons that came before it obsolete in combat.

Coltsville's unique and considerable impact on Connecticut and New England is clear. The skills developed in firearms manufacture were given broader application here. Developments in arms-making influenced other metalworking industries, such as sewing machines, typewriters, bicycles, automobiles, railway equipment, jet engines and clocks. Early industrial leaders like Henry Ford came to Coltsville to learn the innovative manufacturing techniques and equipment being developed in the area. The corridor between New Haven, Connecticut and Windsor, Vermont became known as "Precision Valley."

In addition to the impact on Connecticut and New England, Coltsville's impact in America and abroad cannot be understated. As the first American to set up a foreign manufacturing plant, Samuel Colt's influence was extended overseas. Ambitious entrepreneurs with big ideas, Elizabeth and Samuel were willing to take risks and work hard to shape the future and to reap the rewards. In doing so they have powered American capitalism. The Colt legacy is not just about firearms, but also about industrial innovation and the development of technology and a system of manufacturing that would change the way of life in the United States. That same spirit of innovation today powers all of American industry and can be seen in such sectors as information technology, medical research, biotechnology, defense technology, public relations and many others.

Today, the Colt name is known throughout the world. Colt firearms and other products have been used in every major conflict—from the U.S.–Mexican War to the present. As such they have been an integral factor in the security, confidence and self-reliance of this country. The impact on Coltsville in this arena confirms our conviction that Coltsville should be designated a National Park.

The National Park: A Preliminary Plan

A national park at Coltsville would ideally encompass all seventeen acres of the Coltsville site and would include both public and private space. The centerpiece would be a visitor center within the armory, including original steam-driven pistons and the accessible blue onion dome that provides 360 views of Hartford, the Connecticut River and surrounding areas. Coincidentally, this armory already houses a business that manufactures replica Colt firearms, which would only enhance the proposed museum. The interactive museum could be housed in Building 8 and/or 10, which are two of the oldest buildings on the site and originally served as the factory's foundry and polishing rooms. The museum and visitors' center would be dedicated as public space for the Park. The remaining commercial and residential space would be left private.

It is important to note that because Colt Gateway LLC is already in the process of privately restoring this national treasure, the cost of designating Coltsville would be minimal. A comprehensive \$102 million historic preservation in accordance national historic standards is currently underway. As the developer, Colt Gateway LLC would prepare virtually all the space required, giving the National Park Service the rare opportunity to add a spectacular park to the system with an investment and operating costs at a fraction (less than 10%) of the value of the site. It is our opinion that, please forgive the pun, Coltsville gives the National Parks System a real bang for the buck.

The tourist interest sparked by the Coltsville Park would work in tandem with other endeavors stimulating business growth, such as the adjacent Adriaen's Landing project, to contribute to the continuing economic revival of Connecticut's capital city. Lowell, Massachusetts is a good example of what a national park can do for a city. The textile mills and canals at Lowell have been described as must-see attractions in tourist guidebooks. I believe that if Coltsville is designated a national park, the same will be said about the Colt armory and its surroundings. Moreover, the history of Colt complements that of the Springfield Armory National Historic Site just 25 miles north in Massachusetts.

Conclusion

In conclusion, it is my opinion that it is not only feasible and suitable to include Coltsville in the National Park System, but that Coltsville is the ideal candidate for that inclusion. We are committed to preserving Coltsville's immeasurable historical value, and we certainly appreciate the Committee's consideration of this proposal. We are eager to work with the National Park Service in any way we can to continue this process.

While we acknowledge the budgetary and scheduling obstacles of our request, we believe that the overwhelming bipartisan support for designation is a sign that we are well on our way to preserving Coltsville's legacy. Support from public officials such as Connecticut Governor John Rowland and Mayor of Hartford Eddie Perez as well as from important civic groups in Connecticut and elsewhere has been considerable. I would also like to commend Representatives Larson, DeLauro, Shays and Simmons as well as Senators Dodd and Lieberman for their leadership and integral role in supporting Coltsville.

Again, thank you for the opportunity to comment. We will do all we can to assist you, Mr. Chairman, and all the members of the Committee, to make this a reality. This concludes my prepared remarks. I would be glad to answer any questions that you or the members of the Committee may have.

Mr. RADANOVICH. Thank you, Mr. Kohn.

With that, I will go ahead and open up the Committee to questions.

Senator Mattingly, can you tell me should the church obtain the National Park Service land in exchange, what would the church plan on doing with the land? Do you have any idea?

Senator MATTINGLY. Well, first off, the current church would stay there since it is the oldest church, Anglican Church built in 1736. So on the new site, there would be a new church. And that is what it would be used for.

Mr. RADANOVICH. Very good. Thank you.

Mr. Kohn, should the site become a unit of the National Park Service, is the Colt Gateway LLC prepared to donate the land to the Park Service should that occur, or have you given any consideration to that at all?

Mr. KOHN. Well, we are prepared to donate the areas that would be necessary for public use, such as the visitors center, and to make rental space available to entities such as national historic societies that have expressed an interest in operating museums space for their ability to do so.

Mr. RADANOVICH. Would it be the expectation of the Park Service then to purchase the remaining land that was not donated, or would it be the intention of the LLC to keep the land?

Mr. KOHN. We would keep the land but make it available to the National Park Service toward and for its presentation to the public.

Mr. RADANOVICH. All right. Thank you very much.

Mrs. Christensen?

Mrs. CHRISTENSEN. I have one question, and I have seen the old Colt site when I had an opportunity to travel to Hartford with my colleague here, as well as visit some other places in Connecticut.

But my question would be to Senator Mattingly. The 23 or so—
Senator MATTINGLY. Twenty-three acres. Right. Excuse me.

Mrs. CHRISTENSEN. Oh, 23 acres that belongs to the church that is going to be transferred to Sea Island, is that in the same vicinity?

Senator MATTINGLY. Yes.

Mrs. CHRISTENSEN. OK.

Senator MATTINGLY. But not—

Mrs. CHRISTENSEN. It would be adjoining the park?

Senator MATTINGLY. Oh, no. It does not adjoin the park.

Mrs. CHRISTENSEN. Or the monument?

Senator MATTINGLY. No.

Mrs. CHRISTENSEN. Thank you.

Senator MATTINGLY. OK.

Mr. RADANOVICH. Ms. Bordallo?

Ms. BORDALLO. Thank you, Mr. Chairman.

I am just curious. I did come late and didn't hear panel one. But is the Administration's position still unknown on this particular piece of legislation?

Mr. RADANOVICH. I am not sure which one you are referring to. Would it be the Colt?

Ms. BORDALLO. The 1113.

Mr. RADANOVICH. H.R. 1113?

Ms. BORDALLO. Mm-hmm.

Mr. RADANOVICH. They were in support of it. Yes, I think they are in support of it.

Ms. BORDALLO. Pardon?

Mr. RADANOVICH. They are in support of the—yes.

Ms. BORDALLO. Because the paper we have here states their position as unknown.

Mr. RADANOVICH. Oh, I see. They have explained, I think, during the hearing that they are in support of the transfer.

Ms. BORDALLO. I see. Thank you very much for the clarification.

Mr. RADANOVICH. Uh-huh. Mr. Larson?

Mr. LARSON. Yes, I thank you again, Mr. Chairman and the Ranking Member Christensen, for the courtesies you have extended us.

I want to thank Mr. Kohn personally for coming to testify and also for the, like so many projects that are important in urban areas, to see the kind of private commitment that has been made here and the synergistic relationship between community, government, developer, and the private sector is very heartening.

And again, I want to thank him for his testimony and the Committee for allowing us the opportunity to be here.

Mr. RADANOVICH. My pleasure. Any other questions of the panel?

[No response.]

Mr. RADANOVICH. If not, Senator, Mr. Kohn, thank you very much for being here. We really appreciate it.

That concludes this hearing. And thank you very much.

[Whereupon, at 3:22 p.m., the Subcommittee was adjourned.]

